

SECTION 4. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this ordinance. The terms not defined herein shall be construed in accordance with the ordinances of the city or their customary usage and meaning.

When necessary for a reasonable construction of this ordinance, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one tense or form shall include other tenses or derivative forms. The word "building" shall include the word "structure," the words "shall" or "will" are mandatory and the word "may" is permissive.

- (1) Accessory use: A structure or use which:
 - (a) Is subordinate and incidental to and serves a principal use;
 - (b) Is subordinate in area, extent and purpose to the principal structure or principal use served;
 - (c) Contributes to the comfort, convenience or necessity of the occupant, business or industry in the principal structure or use; and
 - (d) Is located on the same lot as the principal structure or use.
- (1.5) Alternative tower structure shall mean towers such as clock towers, belltowers, church steeples, water towers, light poles and similar alternative design mounting structure that camouflage or conceal the presence of antennae and towers.
- (1.6) Antennae: Any exterior apparatus designed for telephonic, radio or television communications through the sending or receiving of electromagnetic waves.
- (2) Basement: A building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.
- (3) Billboard: A sign identifying a use, facility, or service which is not located on the premises where such sign is displayed. A sign identifying a product which is not produced, sold, or manufactured on the premises where such sign is displayed. A sign which advertises or otherwise directs attention to a product, service, activity, person, institution, facility, or business which may or may not be identified by a brand name and which occurs or is primarily conducted, sold, manufactured, produced, or offered elsewhere than on the premises where such sign is displayed.
- (4) Buildable area: The portion of a lot remaining after required yards have been provided.

- (5) Building: Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire each portion so subdivided may be deemed a separate building.
- (6) Building height: The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to
 - (a) the highest point of the roof's surface if a flat surface,
 - (b) the deck line of mansard roofs, or
 - (c) the mean height level between eaves and ridge for hip and gable roofs; and, in any event, excluding chimneys, cooling towers, elevator bulkheads, tanks, water towers, radio towers, antennas, ornamental cupolas, steeples, domes, spires, and parapet walls not exceeding ten feet in height.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

- (7) Building line: A line usually parallel to the property line, which is the outermost line of permissible building construction.
- (8) Business frontage: The linear measurement from outer wall to outer wall of one side of a building which faces or fronts a street.
- (8.1) Child-care center: A child-care facility providing for seven or more children.
- (8.2) Child-care facility: The structure or premise at which the care, training, education, custody, supervision, and/or preschool activities for children are provided for less than twenty-four hours per day.
- (8.3) Child-care home: A child-care facility providing for six or fewer children, at any given time, not related within the second degree by blood, marriage, or adoption to the caregiver, owner or operator, regardless of whether or not the services are operated for a profit or charges are made for the services it offers.
- (9) City: The City of Missouri City, Texas.
- (10) City council: The city council of the City of Missouri City, Texas.
- (11) Cluster subdivision: A development pattern in which small lot homes are arranged in groups or clusters rather than spread evenly as in conventional lot-by-lot development. The intent of clustering is to create usable open space for residents which is to be owned and used in common with other resident owners.
- (11.1) Commercial message: A message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products,

property, accommodations, services, attractions, or activities or possible substitutes for those things which are the subject of the message and that:

- (a) Refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire;
 - (b) Attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.
- (11.2) Community facility frontage: The side of the building or structure that faces a street or contains the primary entrance to the facility.
- (12) Condominium: A form of ownership wherein residents own the interior space, appliances and accessories in their individual living units. All other elements of a condominium development (structural systems, grounds, etc.) are owned in common with other resident owners.
- (13) Reserved.
- (14) Double-faced sign: A single sign with two parallel sign faces back to back.
- (14.5) Dumpster: Any solid waster or recycling collection device with a capacity of 100 gallons or greater.
- (15) Duplex: An attached residential building containing two dwelling units designed for occupancy by not more than two families.
- (16) Dwelling, single-family: A detached residential dwelling unit, other than a manufactured home, designed for and occupied by one family only.
- (17) Dwelling, multifamily: A residential apartment building designed for occupancy by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- (18) Dwelling unit: A residential unit providing complete, independent, living facilities for one family including permanent provisions for living, sleeping, cooking, eating and sanitation.
- (19) Existing unrecorded tract: Parcels of land which have been subdivided prior to the date of this ordinance without having been officially approved by the city through the normal platting procedure.
- (19.5) FAA: The Federal Aviation Administration.

- (20) Family: One or more persons occupying a premises and living as a single housekeeping unit with single kitchen or culinary facilities as distinguished from a group occupying a boardinghouse, lodging house, hotel, club, fraternity or sorority house.
- (20.5) FCC: The Federal Communications Commission.
- (21) Fence: Any enclosing barrier, constructed of wood, metal or any other material, regardless of its use or purpose.
- (21.1) Floor area: The sum of the enclosed areas on all floors of a building or buildings measured from the outside of exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any belowground floor areas used for access and storage. Open terraces, patios, balconies, carports, garages, breezeways, unenclosed porches and the like are excluded from floor area calculations.
- (22) Garage: An enclosed structure designed and/or actually used for the primary accessory purpose of housing automobiles.
- (23) Grand opening: A grand opening refers to the beginning of a new business in a new location of [or] the assumption of ownership of an existing business by a new owner or group of owners.
- (24) Greenbelt: An area designed and allocated for the purposes of providing an aesthetic area or plaza between a building complex and the adjacent property. Alleys, parking areas, driveways, buildings or structures are prohibited within the greenbelt except for utility easements and public or private streets for ingress and egress.
- (24.1) High density residential use: Residential uses with a density greater than or equal to 15 dwelling units per acre, and less than or equal to 20 dwelling units per acre.
- (24.2) High intensity nonresidential use: Nonresidential uses with a ratio of floor area to lot area above 30 percent, or a traffic generation rate of 7,000 or more vehicle trips per day.
- (25) Home occupation: A business, profession, occupation or trade conducted within a residential building or accessory structure associated with a residential building by a resident of the residential building which is incidental and secondary to the residential character of the use of such building or structure.
- (26) HUD--Code manufactured home: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air-conditioning, and electrical

systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. section 3282.8(g).

(26.5) Industrialized housing: A residential structure that is:

- (a) Designed for the occupancy of one or two families; and,
- (b) Constructed in one or two modules or constructed using one or more modular components built at a location other than the permanent site; and,
- (c) Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

(27) Lot measurements:

- (a) Area of the lot shall be the net area of the lot, expressed in square feet or acreage, and shall not include portions of any public street or alley.
- (b) Depth of the lot shall be the average distance between the front and rear property lines.
- (c) Width of the lot shall be the average distance between the side property lines.

(28) Lot of record: An area of land designated as a lot on a subdivision plat duly recorded with the county clerks of Harris and/or Fort Bend Counties, Texas; or an area of land held in single ownership described by metes and bounds in a deed recorded or registered with the county clerk.

(29) Lot types:

- (a) Corner lot: A lot abutting two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the director of planning.
- (b) Interior lot: A lot other than a corner lot with only one street frontage and whose side lot lines do not abut any street.
- (c) Double frontage lots: A lot other than a corner lot which abuts more than one street.

(29.1) Low density residential use: Residential uses with a density of less than six dwelling units per acre.

(29.2) Low intensity nonresidential use: Nonresidential uses with a ratio of floor area to lot area below 15 percent, and a traffic generation rate of less than 1,500 vehicle trips per day.

(29.3) Major entrance to subdivision: The location on the perimeter of a development which is intersected by the right-of-way of a major through street which serves as a primary means of access to the subdivision.

- (29.4) Medium density residential use: Residential uses with a density of greater than or equal to six dwelling units per acre, and less than 15 dwelling units per acre.
- (29.5) Medium intensity nonresidential use: Nonresidential uses with a ratio of floor area to lot area greater than or equal to 15 but less than or equal to 30 percent, and a traffic generation rate of less than 7,000 vehicle trips per day.
- (30) Manufactured home: Means a HUD-Code manufactured home or a mobile home and collectively means and refers to both.
- (31) Mobile home: Means a structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems.
- (32) Modular building or modular component: A structural part of housing or a building constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without damage or removal and reconstruction of a part of the housing or building.
- (33) Monument sign: Any sign supported by one or more columns, poles, uprights, or braces anchored in or on the ground and not attached to any building.
- (34) Multi-faced sign: A single sign with two or more faces which are not parallel nor back to back.
- (35) Nameplate: Any sign which denotes only the individual, firm, business, or corporate name of the occupant of the premises.
- (36) Noncommercial message: A message that is not a commercial message.
- (37) Nonconforming use: Any lot, structure, use of land or structure, or characteristic of use which was lawful before this ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. A nonconforming use may relate to land, building, structure or any part thereof.
- (38) Reserved.
- (39) On-premises sign: A sign designating the name of the owner or occupant of the premises upon which the sign is placed or identifying such premises. A sign identifying a use, facility, or service located on the premises where such sign is displayed. A sign identifying a product which is produced, sold, or manufactured on the premises where such sign is displayed. A sign which advertises or otherwise directs attention to a product, service, activity, person, institution, facility, or business which may or may not be

identified by a brand name and which occurs or is primarily conducted, sold, manufactured, produced, or offered on the premises where such sign is displayed.

- (40) Open space: Area, excluding parking or paved area but including any side, rear or front yard or any unoccupied space on the lot, that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.
- (41) Patio home subdivision: A development designed for small lot single-family detached dwelling units which are situated on their respective lots so as to provide maximum usable open space for the private use of occupants of each individual unit. Usable open space is achieved by allowing one side building line and property line to coincide and the orientation of windows and doors toward the remaining yards.
- (42) Person: Any natural person or entity created or recognized by law, including, but not limited to, a corporation (profit or nonprofit), partnership or association.
- (43) Planned unit development (PD): A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building citing, mixtures of housing types and land uses, usable open spaces and the preservation of significant natural features.
- (43.5) Political Sign: A sign that contains primarily a political message.
- (44) Portable sign: Any movable sign not permanently secure or attached to an approved structure, support or anchor.
- (44.5) Portable storage unit: A standardized, reusable vessel, container, receptacle or structure that was originally and specifically designed for or is used in the stowing, packing, shipping, movement or transportation of freight, articles, goods or commodities, and is designed for or capable of being mounted or moved on a truck.
- (45) Principal building: The building or buildings on a lot which are occupied by the primary use.
- (46) Project, completion of: Project for which 90 percent of improvements have been completed toward qualification for issuance of a certificate of zoning compliance by the city. The percentage of progress shall be measured by valuation of the improvements completed relative to the total valuation of improvements approved in the building permit.
- (47) Reader panel: A permanently constructed changeable copy bulletin board, lighted or unlighted, with detachable precut letters and figures.
- (48) Recreational space: Outdoor space or building space which is made available and maintained in a suitable condition for the purpose of passive and active recreational pursuits to the exclusion of all other uses.

- (49) Right-of-way: A strip of land either dedicated or owned by the city or other public agency and used for the purpose of a public way or roadway.
- (50) Roofline: The height above finished grade of the upper beam, rafter, ridge or purlin of any building.
- (51) Screening: Hedges, informal plantings, natural vegetative covers, berms, or manmade fences or walls provided for the purpose of protecting adjacent uses from potential noise, glare, trash, odor, visual disorder, or other harmful, intrusive or noxious effects.
- (52) Setback: The distance between a wall or any projection of a building and the property line excluding steps and unenclosed porches.
- (53) Sexually oriented business: means a semi-nude studio, modeling studio, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or any other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide or to be used to provide sexual stimulation or sexual gratification to the customer.

Sexually oriented businesses may not be construed to include:

- (i) Any business operated by or employing a licensed psychologist, licensed physical therapist, licensed athletic trainer, licensed cosmetologist, or licensed barber performing functions authorized under the licenses held;
 - (ii) Any business operated by or employing a licensed physician or licensed chiropractor engaged in practicing the healing arts;
 - (iii) Any establishment where a person appears in a state of nudity in a modeling class operated by a proprietary school licensed by the State of Texas, a college, junior college, or university supported entirely or partly by taxation; by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, where in order to participate in class a student must enroll at least three days in advance of the class, and where no more than one nude model is on the premises at any one time; or
 - (iv) A bookstore, movie theatre, or video store, unless that business is an adult bookstore, adult movie theatre, or adult video store pursuant to chapter 18 article VII, or otherwise constitutes a sexually oriented business.
- (54) Shopping center or integrated business development: A commercial development such as a strip center, mall, multi-tenant office building, commercial center, or industrial complex in which two or more separate businesses occupy a single or multiple structures which share on-site parking facilities and common driveways.

- (55) Sign: Any structure, part thereof, or device or inscription which is located upon, attached to, or painted or represented on any land or on the outside of any building or structure, or on an awning, canopy, marquee, or similar appendage, or displayed or shown so as to be seen from the outside of the building or structure, and which displays or includes any numeral, letter, work, model, banner, emblem, insignia, symbol, device, monogram, heraldry, light, or other representation used as or in the nature of an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, profession, enterprise, industry, activity, or any combination thereof. Where the word "sign" is used herein without further modification, the same shall be understood to embrace all regulated signs.
- (56) Sign area: The total square footage of all sign facing, including that portion of the supporting structure or trim which carries any wording, symbols, identifying color or pictures; provided, however, in the case of double-faced signs, only one face shall be computed to determine sign area.
- (57) Sign facing or surface: The surface of any sign upon, against or through which the message is displayed or illustrated; provided, however, for signs in which the words, letters or symbols are independently mounted, the sign surface area shall be that of the smallest regular geometric form that will wholly contain all of the elements.
- (58) Specialty shop: A store specializing primarily, but not solely, in the sale of a particular commodity, such as glassware, antiques, bathware, kitchenware, or record shop.
- (59) Story: That portion of a building between the surface of a floor and a ceiling immediately above.
- (60) Street: A thoroughfare which affords principal means of access to abutting property.
- (61) Street frontage: The length of a lot or tract of land which is adjacent to a public or private street.
- (62) Structure: Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground.
- (63) Subdivision: The division of any lot, tract or parcel of land by plat, map or description into two or more parts for the purpose of sale, rental, lease or division of ownership.
- (64) Temporary construction equipment yard: A parcel of land on which construction equipment and materials used in a public works construction project, such as a public thoroughfare or drainage improvement project, are temporarily stored indoors or outdoors. Such parcel of land is at a location other than the site of such public works construction project.

- (65) Tenant, major: Any tenant in an integrated business development:
- (1) Occupying at least 20 percent of the building floor area or building frontage; or
 - (2) Designated as a major tenant by the property owner, with no more than one major tenant being so designated per 50,000 square feet of building floor area, or fraction thereof, per development.
- (66) Tenant, minor: Any tenant in an integrated business development that is not a major tenant.
- (67) Model home sales office site: A lot, lots or area in a section of a residential subdivision on which a model home or homes are placed or constructed for the purpose of providing a facility from which new homes to be constructed in such section of such subdivision may be marketed by the builder of such homes.
- (68) Thoroughfare (major): A roadway designed to carry high volumes of traffic which is channeled to or from collector streets at controlled intersections. Because of the traffic volume assigned to major thoroughfares these streets require the widest right-of-way and pavement.
- (69) Thoroughfares, collector: A network of streets that serves residential areas and channels traffic to or from the major thoroughfare system.
- (70) Tower: A structure constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. The term includes alternative tower structures. The term includes radio and television transmission towers, microwave towers, common carrier towers, and cellular telephone towers. A tower does not include a lighting rod, satellite dish antennae one meter in diameter or less, a receive-only home television antennae, or any satellite dish antennae two meters or less in diameter located in a nonresidential zoning district.
- (71) Transitional buffer yard: An area of land along the perimeter of a lot or parcel of land not constituting any part of a required yard and not on any portion of an existing right-of-way having thereon specified dimension, types and amounts of vegetation, or structures which may be required to reduce or eliminate the effects of land uses upon adjoining land uses or thoroughfares.
- (71.5) Trash disposal area: Any area of a property outside of a building used for the placement of solid waste or the placement of any solid waste container, bag, receptacle, or dumpster.
- (72) Travel trailer: A mobile vehicle built on a chassis and designed and used for occasional recreational or other purposes as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by a passenger motor

vehicle or other prime mover and not requiring a special permit for moving on the highway, as contrasted to a manufactured home.

- (73) Wall sign: All flat signs, either of solid face construction or individual letters, symbols, or pictures, which are placed against the exterior wall of any building or structure and extending not more than 18 inches from such exterior wall.
- (74) Yard: An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward.
- (75) Work, substantial completion of: Work for which 90 percent of improvements have been completed toward qualification for issuance of a certificate of zoning compliance by the city. The percentage of progress shall be measured by valuation of the improvements completed relative to the total valuation of improvements approved in the building permit.

(Ord. No. O-88-23, § 2, 7-18-1988; Ord. No. O-88-35, §§ 2, 3, 9-6-1988; Ord. No. O-89-39, § 3, 11-20-1989; Ord. No. O-90-4, § 3, 3-5-1990; Ord. No. O-91-06, § 3, 1-21-1991; Ord. No. O-91-11, §§ 2--4, 3-4-1991; Ord. No. O-92-02, § 3, 1-6-1992; Ord. No. O-95-18, § 3, 5-8-1995; Ord. No. O-99-04, § 3, 1-19-1999; Ord. No. O-00-16, § 3, 4-3-2000; Ord. No. O-00-55, § 3, 10-2-2000; Ord. No. O-01-65, §§ 3--8, 12-17-2001; Ord. No. O-02-22, § 3, 6-17-2002; O-03-31; 09-15-03; Ord. No. O-04-56; 12-20-04; Ord. No. O-08-11, § 4, 3-17-2008; Ord. No. O-08-38, § 07-21-2008; Ord. No. O-08-39, § 4, 07-21-2008; Ord. No. O-08-40, 07-21-2008).